

By the United States in Congress assembled, a proclamation

By the United States in Congress Assembled, A PROCLAMATION.

WHEREAS in pursuance of a plenipotentiary commission, given on the 28th day of September, 1782, to the honorable Benjamin Franklin, a treaty of amity and commerce between his majesty the king of Sweden and the United States of America, was on the 3d day of April, 1783, concluded by the said Benjamin Franklin, with a minister plenipotentiary, named for that purpose, by the said king: and whereas the said treaty hath been duly approved and ratified by the United States in Congress assembled, and a translation thereof made in the words following, to wit:

A TREATY of amity and commerce concluded between his majesty the king of Sweden and the United States of North America.

The king of Sweden, of the Goths and Vandals, &c.&c.&c. and the thirteen United States of North America, to wit, New-Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New-York, new Jersey, Pennsylvania, the counties of New Castle, Kent and Suffex on Delaware, maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish in a stable and permanent manner the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states and subjects; his majessty and the United States have thought that they could not better accomplish that end than by taking for a basis of their arrangements the mutual interest and advantage of both nations, hereby avoiding all those burthensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting

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navigation and commerce, their interior regulations which shall be most convenient to itself.

With this view, his majesty the king of Sweden has nominated and appointed for his plenipotentiary, count Gustavus Philip de Creutz, his ambassador extraordinary to his most Christian majesty, and knight, commander of his orders; and the United States, on their part have fully empowered Benjamin Franklin, their minister plenipotentiary to his most Christian majesty: the said plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof have agreed upon, concluded and signed the following articles:

ARTICLE I. THERE shall be a firm, inviolable and universal peace and a true and sincere friendship between the king of Sweden, his heirs and successors, and the United States of America, and the subjects of his majesty and those of the said states and between the countries, islands, [cities?] and towns figured under the jurisdiction of the king and of the said United States, without any exception of persons or places; and the conditions agreed to in this [present?] treaty, shall be perpetual and permanent between the king, his heirs and successors, and the said United States.

Art. 2. The king and the United States engage mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same [compensation?] if the [concession?] was conditional.

Art. 3. The subjects of the king of Sweden shall not pay in the ports, havens, roads, countries, islands, cities and towns of the United States or any of them, any other nor greater duties or imposts of what nature soever they may be, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said

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nations do or shall enjoy, whether in passing from one part to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Art. 4. The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities and towns under the dominion of the king of Sweden any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty or in going to or from the same, from or to any part of the world whatever.

Art. 5. There shall be granted a full, perfect and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it to the laws of the country: More-over liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose: And the two contracting parties will provide each in its [??] that the subjects and inhabitants respectively may obtain certificates of the death in case the delivery of them is required.

Art. 6. The subjects of the contracting parties in the respective states, may freely dispose of their goods and effects either by testament, donation or otherwise in favour of such persons as they think proper; and their heirs in whatever place they shall reside, shall receive the succession even *ab intestato* either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances as well as the capitals and effects, which the subjects of the two parties, in changing their a[?] shall be desirous of removing from the [place?] of their abode shall be exempted from all duty, called “[droje?] de detraction” on the part of the government of the states respectively. [?] it is at the same time agreed, that nothing contained in this article shall in any manner

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de[??] from the ordinances published in Sweden [?] emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

Art. 7. All and every [?] subjects inhabitants of the kingdom of Sweden as well as those of the United States shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandizes and cargoes may belong from any port whatever, and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels and with the same liberty and safety to frequent the places, ports and havens of powers, enemies to both or either of the contracting parties, without bring in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral part but even from one port of an enemy, to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty with respect to ships and merchandizes that free ships shall make the merchandie a free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, [even?] though the cargo or a part of it should belong to the enemies of one or both: it is nevertheless provided that contraband goods shall always be excepted; which being intercepted shall be [proceeded?] again according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect that although they be enemies to both or either of the parties they shall not be taken out of the free ship unless they are soldiers in the actual service of the said enemies.

Art. 8. This liberty of navigation and commerce shall extend to all kinds of merchandizes except those only which are expressed in the following article and are distinguished by the name of contraband goods.

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Art. 9. Under the name of contraband or prohibited goods shall be comprehended, arms, [great guns?], cannon balls, [arqu-buses?], musquets, bombs, perards, granadoes, [sancisses?], pitch, ball, carriages for ordnance, musquet rests, bandoliers, cannon powder, matches, salt petre, sulphur, bullets, pikes, sabres, swords, [morions?], helmets, [cuinasses?], halbards, javelins, pistols, holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

Art 10. These which follow shall not be rec[koned?] in the number of prohibited goods, that is to say, all sorts of cloaths, and all other manufacturers of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel together with the things of which they are commonly made; gold, silver coined or uncoined, brass, iron, lead, copper, latten, coal, wheat, barley and all sorts of corn or pulse, tobacco, all kinds of spices, salted or smoaked fish, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams and all forms of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use. All which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not, by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary they may be freely transported by the subjects of the king and of the United States even to places belonging to an enemy, such places only excepted as are besieged, blocked or [invaded?], and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

Art 11. In order to avoid and prevent on both sides all disputes and discord, it is agreed that in case one of the parties shall be engaged in a war, the ships and vessels belonging

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to the subjects or inhabitants of the other shall be furnished with sea letters or passports, expressing the name, property and part of the vessel and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels when loaded shall be provided not only with sea letters but also with certificates containing a particular account of the cargo, the place from which the vessel sailed and that of her destination, in order that it may be known, whether they carry any of the prohibited or contraband merchandizes, mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

Art. 12. Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port their passports and certificates above mentioned. And not having contraband merchandize on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless the exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war but credit shall be given to the word of the officer commanding the convoy.

Art. 13. If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships nor to open any chest, coffers, packs, casks or vessels, nor to remove or displace the smallest part of the merchandizes until the cargo has been landed in the presence of officers appointed for the purpose and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes and sentence shall have passed

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declaring them liable to confiscation, saving nevertheless as well the ships themselves as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo and the master of the vessel agrees, consents and offers to deliver them to the vessel, that has discovered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the owner or he who has made the prize shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

Art. 14. It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war and even six months after the declaration, after which time none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners who shall claim or cause them to be claimed before confiscation and sale, as also their [proceed?] of the claim be made within eight months and could not be made sooner after the sale which is to the public; provided nevertheless, that if the said merchandizes be contraband, it shall not be in any [wise?] be lawful to carry them afterward to a port belonging to the enemy.

Art. 15. And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party or by privateers all captains and commanders of ships of his Swedish majesty and of the United States and

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all their subjects shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof and to make them good under pain and obligation of their persons and goods.

Art. 16. For this cause, every individual who is desirous of sitting out a privateer shall, before he receives letters patent or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ may commit during the cruise, contrary to the [?] of this treaty and contrary to the edicts published by either party, whether the king of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

Art. 17. One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandizes of what nature soever they may be when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of of all [forts?], ships and vessels, and in general all merchandizes and effects of one of the allies or their subjects shall not be subject to any embargo nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever of the other ally on account of any military expedition or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force from the subjects of the other party without the consent of the owner. This however is not to be understood to comprehend seizures detentions and arrests, made by order and by the authority of justice and according to the ordinary course for

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debts [??] of the subject, for which process shall be had in the way of right according to the forms of justice.

Art. 18. If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both [sides?].

1st. If the ships of one of the two nations retaken by the privateers of the other have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner and payment of one third of the value of the ships and cargo. If on the contrary the vessel retaken has been more than twenty four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2d. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part, if it has been retaken after the twenty-four hours, which items shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

3d. The prizes made in manner above-mentioned shall be restored to the owners after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4th. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each others ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

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5th. Moreover the King of Sweden and the United States of America, shall be at Liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe with regard to vessels which they shall take and carry into the ports of the two powers.

Art. 19. The ships of war of his Swedish majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations, and the said prizes upon entering the said ports shall not be subject to arrest or seizure nor shall the officers of the places take cognizance of the validity of the said prizes which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

Art. 20. In case any vessel belonging to either of the states or to their subjects shall be stranded, shipwrecked or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandizes wrecked or their proceeds, if the officers have been sold, being claimed in a year and a day by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

Art. 21. When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war or private employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity to [retire?] and enter any of the rivers, bays, roads, or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection and assistance, and they shall be at liberty to supply themselves with refreshments, provisions and everything necessary for their sustenance, for the repair of

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their vessels, and for continuing their voyage; provided always, that they pay a reasonable price, and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please without any obstacle or hindrance.

Art. 22. In order to favour commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects and much less their persons during the said nine months, but on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels and the effects which they shall be willing to carry with them. And if any thing is taken from them or if any injury is done to them by one of the parties, their people and subjects during the term above prescribed [full?] and entire satisfaction shall be made to them on that account. The abovementioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

Art. 23. No subject of the king of Sweden shall take a commission or letters of [marque?] for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people or inhabitants of the said United States or any of them, or against the property of the inhabitants of the said states, from any prince or state whatever, with whom the said United States shall be at war. Nor shall any citizen, subject or inhabitant of the said United States or any of them apply for or take any commission or letters of marque, for arming any vessel or cruise against the subjects of his Swedish majesty on any of them or their property from any prince or state whatever with whom his said majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque he shall be punished as a pirate.

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Art. 24. The vessels of the subjects of either of the parties coming upon any of the goods belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary shall enjoy all the [franchises?] and exemptions which are granted by the rules [subsisting?] with respect to that object.

Art. 25. When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all [disorder?], shall [?] out of cannon shot, but may always send their boat to the [merchant?] [ship?] and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport stating the properties of the vessel, and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful [?] or search her in any manner, or to give her chace or force her to quit her intended course.

Art. 26. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

Art. 27. The present treaty shall be ratified on both sides, and the ratification shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof, the respective plenipotentiaries have signed the above articles, and have thereunto affixed their seals.

DONE at Paris the third day of April, in the year of Our Lord one thousand seven hundred and eighty-three. (Signed.) **GUSTAV. PHILIP Compte de CREUTZ L.S. B. FRANKLIN. L.S.**

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Separate Articles.

Art. 1. His Swedish majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North-America and every of them, which shall be in the ports, havens, roads or on the seas near the countries, islands, cities and towns of his said majesty, and shall use his utmost endeavours to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

Art. 2. In like manner, the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens or roads or on the seas near to the countries, island, cities and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them, within their jurisdiction.

Art. 3. If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party, should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall in good faith and sincerity give them all necessary assistance, and in such case, the ships of war and frigates of either of the powers, shall protect and support the merchant ships of the other, provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

Art. 4. It is agreed and concluded that all merchants, captains of merchant ships or other subjects of his Swedish majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America to manage their own affairs and to employ in the management of them whomsoever they please; and they shall not be obliged to

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make use of any interpreter or broker, nor to pay them any reward unless they make use of them. More-over the masters of ships shall not be obliged, in loading or unloading their vessels to employ labourers appointed by public authority for that purpose; but they shall be at full liberty, themselves to load or unload their vessels or to employ in loading or unloading them whomsoever they think proper without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandizes to other vessels nor to receive them on board their now nor to wait for their lading longer than they please, and all and every of the citizens, people and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

Art. 5. It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship or of him who has the command of her. In which case only he shall be responsible and subject to the laws of the country in which he may be. In all other cases neither the subject of either of the contracting parties who shall be with their vessels in the ports of the others, nor their merchandizes shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the state whose merchandizes are declared contraband or the exportation of which is forbidden, those only who shall have said or intended to sell or alienate such merchandize, being liable to punishment for such contravention.

DONE at Paris the third day of April, in the year of our Lord one thousand seven hundred and eighty-three. (Signed) **GUSTAV PHILLIP Compte de CREUTZ, L.S. B. FRANKLIN. L.S.**

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NOW therefore, to the end that the said treaty may with all good faith be performed and observed on the part of their states, all the citizens and inhabitants thereof and more especially all officers and others in the service of the United States, are hereby enjoined and required to govern themselves strictly in all things according the the stipulations above recited.

DONE in Congress at Princeton, this twenty fifth day of September, in the year of our Lord one thousand seven hundred and eighty-three, and of our sovereignty and independence the eight. **Elias Boudinot, President. CHARLES THOMSON, Secretary.**

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Treaty with Sweden